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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,457	07/02/2003	Fabian F. Morgan	AUS920030292US1	5384
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IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER TECKLU, ISAAC TUKU	
			ART UNIT 2192	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/612,457

Applicant(s)

MORGAN, FABIAN F.

Examiner

Isaac T. Tecklu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to the amendment filed on 02/12/2007.
2. Claims 1, 5, 13, 15 and 22 have been amended.
3. Claim 2 has been cancelled.
4. New claim 23 has been added.
5. Claims 1 and 3-23 have been examined.

#### *Claim Rejections - 35 USC § 101*

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 13-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 13 is non-statutory as being “An apparatus” without being supported by hardware such as tangible computer storage or execution engine, which would enable one skilled in the art to construe that the apparatus is built from tangible product to carry out any functionality being conveyed from the claim.

Under the Interim Guidelines Section IV (a) data structures and/or program per se not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure’s functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships

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between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Claims 14-21 are rejected for failing to cure the deficiencies of the above rejected non-statutory claim 13 above. See MPEP 2106.01(I)

*Claim Rejections - 35 USC § 102*

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1 and 3-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Upton (US 2003/0110315 A1).

Per claim 1 (Currently Amended), Upton discloses a method, in a data processing system, for code reusability and maintainability (e.g. Figure 4 and related text), the method comprising:

providing a utility class in a server (e.g. Figure 3, server 304 and related text), wherein the utility class [[that]] defines a utility method (para [0109] "... provide utility classes ...");

responsive to receiving a request at the server for attributes for an entity from a client (parag [0076] "... request XML ..."), generating a method call for the utility method, wherein the method call identifies the entity and a response object name (para [0178] "... an event such as public void can be generated ...");

generating a response object and assigning the response object name to the response object (para [0174] "... a method such as public return a value ..."); and

returning the response object to the client (para [0076] "... view the response XML ..." and e.g. Figure 3, 300 and related text).

Per claim 3, Upton discloses the method of claim 1, wherein the request is an extensible markup language request (para[0046] "... XML document ...").

Per claim 4, Upton discloses the method of claim 3, wherein the extensible markup language request is one of a list request and a get request ( para [0076] "... information such as ... list of events and list of service ... view the appropriate XML ...").

Per claim 5 (Currently Amended), Upton discloses the method of claim 1, further comprising: retrieving, by the utility method, at least one data item for the method call and the identified entity, wherein the response object ~~include~~ includes the at least one data item (parag [0082] "... message bundle to retrieve ... message ...").

Per claim 6, Upton discloses the method of claim 5, wherein the step of retrieving at least one data item include retrieving the at least one data item from a database (e.g. Figure 1, Database and related text).

Per claim 7, Upton discloses the method of claim 6, wherein the at least one data item is retrieved from the database through a structured query language interface (e.g. Figure, 1 SQL and related text).

Per claim 8, Upton discloses the method of claim 5, wherein the request includes a list of attributes (para [0127] "...required attribute ...").

Per claim 9, Upton discloses the method of claim 8, wherein the at least one data item includes a set of attributes for the entity, wherein the set of attributes corresponds to the list of attributes (e.g. Figure 1 and related text).

Per claim 10, Upton discloses the method of claim 9, wherein the list of attributes is an empty string (para [0164] "...method can return ... null ...").

Per claim 11, Upton discloses the method of claim 10, wherein the set of attributes includes all attributes for the entity (para [0127] "...required attribute ...").

Per claim 12, Upton discloses the method of claim 1, wherein the response object is an extensible markup language document (para [0127] "...required attribute ...").

Per claim 13, this is the apparatus version of the claimed method discussed above (Claim 1), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Upton.

Per claim 14, this is the apparatus version of the claimed method discussed above (Claim 3), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Upton.

Per claim 15, this is the apparatus version of the claimed method discussed above (Claim 5), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Upton.

Per claim 16, this is the apparatus version of the claimed method discussed above (Claim 6), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Upton.

Per claim 17, this is the apparatus version of the claimed method discussed above (Claim 8), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Upton.

Per claim 18, this is the apparatus version of the claimed method discussed above (Claim 9), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Upton.

Per claim 19, this is the apparatus version of the claimed method discussed above (Claim 10), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Upton.

Per claim 20, this is the apparatus version of the claimed method discussed above (Claim 11), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Upton.

Per claim 21, this is the apparatus version of the claimed method discussed above (Claim 12), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Upton.

Per claim 22, this is the program product version of the claimed method discussed above (Claim 1), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Upton.

Per claim 23 (New), Upton discloses the method of claim 1, wherein the server is located at a first computer system, wherein the client is located at a second computer system, and wherein the first computer system is separate from the second computer system (e.g. Figure 3, Server 304 and related text).

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1 and 3-23 have been considered but are moot in view of the new ground(s) of rejection. See Upton art made of record.

### ***Conclusion***


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac T. Tecklu whose telephone number is (571) 272-7957. The examiner can normally be reached on M-TH 9:300A - 8:00P.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Isaac Tecklu  
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TUAN DAM  
SUPERVISORY PATENT EXAMINER